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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,004	03/06/2001	Katsuyoshi Fujita	5000-4853	5254

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12/03/2002

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EXAMINER

ATKINSON, CHRISTOPHER MARK

ART UNIT

PAPER NUMBER

3743

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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Patent and Trademark Office**

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DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 9/11/12

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-15 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-15 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 3743

Response to Amendment

Applicant's arguments filed 9/11/2002 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4 and 8-9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Rockenfeller et al.

Claims 1-4, 6-7 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Asami et al.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention

Art Unit: 3243

was made, owned by the same person or subject to an obligation of assignment to the same person.

Claim 5 is rejected under 35 U.S.C. § 103 as being unpatentable over Rockenfeller et al. and Asami et al. The patent's of over Rockenfeller et al. and Asami et al. disclose all the claimed features of the invention with the exception of the specifically claimed material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the specifically claimed material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Claims 3, 6-7 and 10-12 are rejected under 35 U.S.C. § 103 as being unpatentable over Rockenfeller et al. in view of Nikai, Januschkowetz or Yanagi et al. The patent of Rockenfeller et al. discloses all the claimed features of the invention with the exception of the claimed shapes.

The devices of Nikai, Januschkowetz and Yanagi et al. the molded body and the flow passages being flat for the purpose of obtaining a compact heat exchanger which generates an excellent absorbing and desorbing surface efficiency. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in over Rockenfeller et al. the molded body and the flow passages being flat for the purpose of obtaining a compact heat exchanger which generates an excellent absorbing and desorbing surface efficiency as disclosed in Nikai, Januschkowetz and Yanagi et al. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the specifically claimed material, since it has

Art Unit: 3743

been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Claim 13 is rejected under 35 U.S.C. § 103 as being unpatentable over Rockenfeller et al. in view of Nikai, Januschkowetz or Yanagi et al. as applied to claims 3, 6-7 and 10-12 above, and further in view of Onishi et al. The patent of Rockenfeller et al. as modified, discloses all the claimed features of the invention with the exception of the body including a chamfer.

The device of Onishi et al. discloses bodies (11) including a chamfer for the purpose of an having an efficient packing of the bodies within a housing which increases the filling rate of hydrogen. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in over Rockenfeller et al. as modified, a chamfer for the purpose of an having an efficient packing of the bodies within a housing which increases the filling rate of hydrogen as disclosed in Onishi et al.

Claim 14 is rejected under 35 U.S.C. § 103 as being unpatentable over Rockenfeller et al. in view of Nikai, Januschkowetz or Yanagi et al. as applied to claims 3, 6-7 and 10-12 above, and further in view of Davis. The patent of Rockenfeller et al. as modified, discloses all the claimed features of the invention with the exception of a connecting section between upstream and downstream sections.

The patent of Davis discloses that it is known to have a connecting section between upstream and downstream sections for the purpose of increasing the fluid flow length which

Art Unit: 3143

increases the time the fluid exchanges heat which increases the overall heat exchange efficiency.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in over Rockenfeller et al. as modified, a connecting section between upstream and downstream sections for the purpose of increasing the fluid flow length which increases the time the fluid exchanges heat which increases the overall heat exchange efficiency as disclosed in Davis.

Claim 15 is rejected under 35 U.S.C. § 103 as being unpatentable over Rockenfeller et al. in view of Nikai, Januschkowetz or Yanagi et al. as applied to claims 3, 6-7 and 10-12 above, and further in view of Davis as applied to claim 14 above, and further in view of Farfaletti-Casali et al. The patent of Rockenfeller et al. as modified, discloses all the claimed features of the invention with the exception of the header including both upstream and down stream sections.

The patent of Farfaletti-Casali et al. discloses that it is known to have a header including both upstream and down stream sections for the purpose of reducing the number of parts and reducing overall size, weight and cost. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in over Rockenfeller et al. as modified, a header including both upstream and down stream sections for the purpose of reducing the number of parts and reducing overall size, weight and cost as disclosed in Farfaletti-Casali et al.

Response to Arguments

Applicant's concerns directed toward the hydrogen storage material powder are not found persuasive. First, molding and compressing are method of making limitations and are not given

Art Unit 2743

any patentable weight in an apparatus claim. In at least column 3, lines 50-56 (porous metal granulates/powder) in Rockenfeller et al. and in at least column 4, lines 54-56 in Asami et al. (into fine powder) disclose the body being a hydrogen storage material powder.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Atkinson whose telephone number is (703) 308-2603.


C.A.

CHRISTOPHER ATKINSON
PRIMARY EXAMINER

December 2, 2002